

**RESOLUTION NO. \_\_\_\_\_, SERIES 2007**

**A RESOLUTION AUTHORIZING THE OFFICE OF THE JEFFERSON COUNTY ATTORNEY TO BRING A CONDEMNATION ACTION AGAINST THE OWNER OF CERTAIN PROPERTY IN JEFFERSON COUNTY IN CONNECTION WITH THE BROWNSBORO ROAD/NEW CHAMBERLAIN LANE PROJECT (PARCEL 59).**

**SPONSORED BY: Councilman Kelly Downard**

**WHEREAS**, the Louisville/Jefferson County Metro Government ("Metro"), pursuant to KRS 67C.101 (3)(f) may acquire real property for public uses through the exercise of the power of eminent domain; and

**WHEREAS**, KRS 416.560(1) requires the legislative council of Metro ("Council") to approve the exercise of the power of eminent domain prior to Metro's instituting such proceedings; and

**WHEREAS**, Metro (as successor to Jefferson County and the City of Louisville) has planned and designed the Kentucky 22, Section 3, Item No. 5-320.30 Project ("Project") in conjunction with Louisville/Jefferson County Metro Government, Department of Public Works and Assets; and

**WHEREAS**, as a part of the Project, it is necessary to acquire additional right of way to widen Kentucky Highway 22 for the use and benefit of the citizens of Metro; and

**WHEREAS**, Metro has not been able to acquire the additional right of way described as a portion of Parcel 59 in the description attached hereto as Exhibit A ("Condemned Property") from the owners of the Condemned Property through good faith negotiations; and

**WHEREAS**, KRS 416.550 authorizes Metro to exercise its right of eminent domain against a property when it cannot acquire the property by agreement with the owner thereof;

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL AS FOLLOWS:**

**Section 1:** That in order to complete the Kentucky 22, Section 3, Item 5-320.30 Project Metro, Government needs to acquire a fee simple interest in the Condemned Property, as

described on attached Exhibit A and platted as Parcel 59 on the plat map attached hereto as Exhibit B. The Condemned Property is a portion of the property acquired by Wathen Spalding and Susan Spalding, by deed dated February 11, 1999, of record in Deed Book 7187, Page 006, in the Office of the County Clerk of Jefferson County, Kentucky.

Bullitt County Bank may have an interest in the property pursuant to a mortgage dated February 11, 1999, filed of record in Mortgage Book 5003, Page 516 in the Office aforesaid.

Since Metro cannot, by agreement with the owners of the Condemned Property, acquire the fee simple interest in the Condemned Property, then the Office of the Jefferson County Attorney is authorized to institute condemnation proceedings pursuant to KRS 416.560, *et seq.* against the owners of the Condemned Property.

**Section 2:** That the Council finds that a fee simple interest in the Condemned Property needs to be acquired for the public use of Metro.

**Section 3:** That this Resolution shall become effective upon its passage and approval.

\_\_\_\_\_  
**Kathleen J. Herron**  
Metro Council Clerk

\_\_\_\_\_  
**Rick Blackwell**  
President of the Council

\_\_\_\_\_  
**Jerry E. Abramson**  
Mayor

Approved \_\_\_\_\_  
Date \_\_\_\_\_

**APPROVED AS TO FORM AND LEGALITY:**  
Irv Maze  
Jefferson County Attorney

By: \_\_\_\_\_

## EXHIBIT A

### Parcel No. 59

A fee simple interest

Being a tract of land lying in Jefferson County along KY 22 approximately 1.4 miles east of the intersection of KY 22 and Interstate 265, and more particularly described as follows:

Beginning at a point on the existing right of way, said point being 20.00 feet left of KY 22 proposed centerline station 324+71.61; thence with the existing right of way line North 6 degrees 50 minutes 50 seconds West, 19.70 feet to a point on the proposed right of way, said point being 39.60 feet left of KY 22 proposed centerline station 324+69.63; thence with the proposed right of way line North 87 degrees 15 minutes 02 seconds East, 192.84 feet to a point on the east property line, said point being 45.00 feet left of KY 22 proposed centerline station 326+62.49; thence with the property line South 7 degrees 32 minutes 02 seconds East, 25.15 feet to a point in the existing right of way, said point being 20.00 feet left of KY 22 proposed centerline station 326+65.26; thence with the existing right of way South 88 degrees 47 minutes 43 seconds West, 108.35 feet to a point 20.00 feet left of KY 22 proposed centerline station 325+56.87; thence South 88 degrees 55 minutes 41 seconds West, 85.26 feet to the point of beginning.

The above described parcel contains .099 acres (4,325 sq. ft.).

Being a portion of the property conveyed to Whaten Spalding and Susan Spalding, His wife by deed dated February 11, 1999, of record in Deed Book 7187, Page 006, in the Office of the County Clerk of Jefferson County, Kentucky.